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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,332	03/01/2004	Jing Zhu	08226/1200369-US1	9009
38880	7590	07/25/2006	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 5257 NEW YORK, NY 10150-6257			NGUYEN, QUANG N	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/790,332

Applicant(s)

ZHU ET AL.

Examiner

Quang N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Detailed Action***

1. This Office Action is in response to the Amendment filed on 06/21/2006. Claims 1, 16-17 and 19 have been amended. Claim 18 has been cancelled. Claims 1-17 and 19 remain pending.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 1, 16-17 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

4. Applicants amended claims 1, 16-17 and 19 to recite "determining an adaptive cut-off radius for a community based in part on a rate of growth for membership in the community that is separated by a few or less degrees" and referred to its corresponding description in the specification (i.e., see pages 8-9 that describe first degree and second degree addresses as being included in the community and pages 10-12 describe

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mechanism for building a community where "growth" refers to the total number of friends/nodes with relative few degrees of separation, as more and more emails will be coming from the first and second degrees, and adaptively reducing the cut-off radius as the mailbox matures to at least improve efficiency).

After reviewing pages 10-12 of the specification, Examiner respectfully submits that the portion of the specification mentioning about "the cut-off radius" cited below:

"...  
The effective cut-off radius may be infinity when the address is born (none or few first degree links). However, the cut-off radius should quickly decrease as the mailbox matures, making the CGL system more effective for the user."

is not sufficient to support the claim(s) containing subject matter "determining an adaptive cut-off radius for a community based in part on a rate of growth for membership in the community that is separated by a few or less degrees" in such a way as to reasonably enable one skilled in the art to which it pertains to make and/or use the invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

**6. Claims 1, 16-17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

7. Applicants amended claims 1, 16-17 and 19 to recite *“determining an adaptive cut-off radius for a community based in part on a rate of growth for membership in the community that is separated by a few or less degrees”*. Examiner respectfully submits that *“a few or less degrees”* is unclear and indefinite language because the vague nature of the phrase *“a few or less degrees”* leaves the claim open to many different interpretations (such as *“temperature degrees”* instead of *“degrees of separation”*; *“a few or less”* can be interpreted as 1, 2, 3, or 4, hence, indefinite language).

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1-17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ingberman et al. (US 2004/0255122 A1), hereinafter referred as Ingberman.**

10. As to claim 1, **Ingberman** teaches a method for filtering messages for a node on a network, comprising:

determining an adaptive cut-off radius for a community based in part on a rate of growth for membership in the community that is separated by a few or less degrees (*Ingerman teaches, for example, a particular messaging environment with 32 first degree contacts can be configured to store trust information up to four degrees of separation, i.e., 32 to the exponent of 4<sup>th</sup>, or approximately one-million other message entities, therefore, if said particular messaging environment with 8 first degree contacts then it can be configured to store up to five degrees of separation, 8 to the exponent of 5<sup>th</sup>, equivalent to 32 to the exponent of 4<sup>th</sup>, based in part on a rate of growth for membership in the community*) (Ingerman, paragraph [0091]);

determining a degree of separation between each of a plurality of nodes that are associated with a first node, wherein the first node and at least a portion of the associated plurality of nodes are granted membership in the community based on a number of degrees of separation between the first node and a second node in the community (*entities corresponding to message addresses 222, 223, and 224 retrieved from address list 229 can be viewed as one degree of separation away from entity 299*) (Ingerman, Fig. 2 and paragraphs [0054] and [0058]), and wherein the granting of membership in the community is limited by at least the adaptive cut-off radius for the community (*for example, a particular messaging environment with 32 unique contacts for each degree of separation can be configured to store trust information up to four degrees of separation, or approximately one-million other message entities, i.e., limited by at least the adaptive cut-off radius*) (Ingerman, paragraph [0091]);

determining a level of trust for the first node in the community based on the number of degrees of separation between the first node and another node in the community (*information in trust list, i.e., degrees of separation, can indicate a level of trust between 2 entities*) (**Ingerman, paragraphs [0052 and 0054]**); and

if a message is received by the first node in the community from the other node in the community, employing the level of trust associated with the other node to determine if the message is to be delivered to at least one trusted folder associated with the first node (*inherently, if the source/sending address of the received message is identified or stored in the trust list, i.e., identified as a non-Spam message, then if is transferred to the recipient user's inbox*) (**Ingerman, paragraph [0016]**).

11. As to claim 2, **Ingerman** teaches the method of claim 1, wherein the message is **one of** email, Short Message Service (SMS), Multi-Media Message Service (MMS), and Instant Message (IM) (*the messaging server categorizing electronic messages*) (**Ingerman, paragraph [0017]**).

12. As to claim 3, **Ingerman** teaches the method of claim 1, wherein determining the degree of separation between each of the plurality of nodes associated with the first node, further comprises determining each degree of separation between each node based at least in part on a listing in at least **one of** a contact list, a buddy list, a received message, a forwarded message, a saved message, a sent message, an Internet Service Provider (ISP), an online chat room, an online group, on-line social network,

and a message classified as non-Spam (*i.e., determining each degree of separation between each node based on address book entries*) (**Ingerman, paragraph [0054]**).

13. As to claims 4-5, **Ingerman** teaches the method of claim 1, wherein the number of degrees of separation between the first node and the second node in the community is selectable, and wherein the level of trust associated with the other node is selectable (*entities corresponding to message addresses 222, 223 and 224 can be viewed as one degree of separation away from entity 291*) (**Ingerman, paragraph [0054]**).

14. As to claims 6-7, **Ingerman** teaches the method of claim 1, wherein the trusted folder includes at least one of an inbox folder and a folder where unread messages are further processed after a period of time, and wherein the processing after a period of time further comprises at least one of deleting the message, a white list filter, a black list filter, and a content filter (*after transferring a message to a recipient user's inbox, the recipient user is required to spend time manually identifying the electronic mail message and appropriately disposing of the electronic mail message if it is identified as a SPAM*) (**Ingerman, paragraphs [0014 and 0016]**).

15. As to claim 8, **Ingerman** teaches the method of claim 1, further comprising if another message is received from a source outside the community of nodes, employing at least one anti-Spam filter to perform at least one of delete the other message and deliver the message to an untrusted folder (*based on trust list information and/or activity*



*store information, employing plug-ins to calculate the urgency of a message, categorize a message as an unwanted/unsolicited message, or cause other plug-ins such as a junk mail plug-in to process or bypass further processing) (Ingerman, paragraph [0048]).*

16. As to claim 9, **Ingerman** teaches the method of claim 1, wherein determining if one of the nodes in the plurality of nodes is separated by one degree of separation from a number of nodes that is greater than a predetermined level (*e.g., greater than 32 unique first degree contacts*); and identifying each node as a super node whose number of nodes that are separated by one degree of separation is greater than the predetermined level, wherein a level of trust for each node solely associated with super node is reduced (*plug-in 272 can be configured to categorize email 216 based on the desires of the plug-in developer, for example, the messaging environment can be configured to store trust information for up to four degrees of separation, and when a messaging entity has a reduced reliability index, the trust associated the messaging entity can decrease*) (**Ingerman, paragraph [0091]**).

17. As to claim 10, **Ingerman** teaches the method of claim 1, wherein determining the degree of separation, further comprises determining that a first degree of separation from the first node is a membership in at least one of a contact list and a buddy list (*entities corresponding to message addresses 222, 223, and 224 retrieved from the address list 221 can be viewed as one degree of separation away from entity 291*) (**Ingerman, Fig. 2 and paragraph [0054]**).

18. As to claim 11, **Ingerman** teaches the method of claim 1, wherein the determining the degree of separation, further comprises determining that a first degree of separation from the first node includes a listing in more than **one of** a contact list (*i.e., entities corresponding to message addresses 222, 223, and 224 retrieved from address list 221 can be viewed as one degree of separation away from entity 291*), a buddy list, a received message, a forwarded message, a sent message, an Internet Service Provider (ISP) (*i.e., entities in the same domain, considered as local messaging entities*) an online chat room, an online group, an on-line social network, and a message classified as non-Spam (**Ingerman, Fig. 2 and paragraphs [0020, 0054 and 0067]**).

19. As to claim 12, **Ingerman** teaches the method of claim 1, further comprising assigning a high level of trust to each node that is separated from the first node by one degree of separation (*assigning a high level to each node/entity in the address book*) (**Ingerman, paragraphs [0053-0054]**).

20. As to claim 13, **Ingerman** teaches the method of claim 1, further comprising if a number of first degree of separation associations with nodes for the first node is less than a threshold (*for less than 32 unique first degree contacts, trust information is configured to store up to four degrees of separation, or approximately one-million messaging entities*), automatically providing membership in the community to each node associated with the first node (**Ingerman, paragraph [0091]**).

21. As to claim 14, **Ingerman** teaches the method of claim 1, further comprising revoking the level of trust associated with the other node based on actions related to unsolicited messages (*when a messaging entity is identified as sending unwanted and/or unsolicited messages, the trust associated the messaging entity can decrease i.e., can be revoked*) (**Ingerman, paragraph [0092]**).

22. As to claim 15, **Ingerman** teaches the method of claim 1, further comprising enabling each message alias for one node to be handled as the same node (*inherently, an alias is an alternate label for some object, therefore each message alias for one node should be handled as the same node*).

23. Claims 16-17 and 19 are corresponding server, client, and computer readable storage media claims of method claim 1; therefore, they are rejected under the same rationale.

### ***Response to Arguments***

24. In the remarks, Applicant argued in substance that

(A) Prior Art (Ingerman) does not disclose a cut-off radius that is **adaptive**.

As to point (A), before addressing the argument, Examiner respectfully submits that the language of the limitation cited in the quotation *"an adaptive cut-off radius"* could be given broad and reasonable interpretation in light of specification as **a threshold or a number that the granting of membership in the community is limited by**. In this case, **Ingerman** teaches, **just for example**, a particular messaging environment each message entity has 32 unique first degree contacts, each of the 32 unique first degree contacts also has 32 unique first degree contacts, etc., and that the particular messaging environment can be configured to store trust information up to four degrees of separation, i.e.,  $32^4$ , or approximately one-million other message entities (i.e., up to four degrees of separation or approximately one-million other message entities is the adaptive cut-off radius for limiting prospective members in the sample community). In the same way, **just for example**, if said particular messaging environment only has 8 first degree contacts then it could be configured to store up to five degrees of separation, i.e.,  $8^5$  equivalent to  $32^4$ , hence, the cut-off radius has been changed from five degree of separation for 8 first degree contacts to four degree of separation for 32 first degree contacts for that particular messaging environment (i.e., *adaptive based in part on a rate of growth/reduction for membership in the community*) (**Ingerman, paragraph [0091]**).

Additionally, Examiner respectfully submits that such scenario above is just an example to describe the cut-off radius could be set as the degree of separation which has been changed (i.e., adaptive) based on the rate of growth/reduction for membership in the community (i.e., *based on the changing number of first degree contacts*).

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25. Applicant's arguments as well as request for reconsideration filed on 06/21/2006 have been fully considered but they are not deemed to be persuasive.

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER